



# NEWS

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 13, 2001**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-97 People v. Sparks, S098290. (D034981; 88 Cal.App.4th 1054.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the issues of whether burglary can be committed by entry into a room within a single-family residence with felonious intent if the felonious intent was formed after entry into the residence, and whether the trial court properly so instructed. (See People v. Young (1884) 65 Cal. 225, 226; People v. McCormack (1991) 234 Cal.App.3d 253, 255-257.)

#01-98 Acosta v. Synthetic Industries, Inc., S098279. (B143381; 88 Cal.App.4th 944.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing deferred pending decision in Jimenez v. Superior Court, S091453 (00-144), which concerns whether the producers of defective products installed as components of mass-produced homes can be subject to strict products liability.

#01-99 People v. Maxwell, S098164. (B138156.) Unpublished opinion. Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred

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pending decision in People v. Engelman, S086462 (#00-49), which presents issues concerning the effect of CALJIC No. 17.41.1 on a defendant's right to trial by jury.

#01-100 People v. Perry, S098277. (B140450.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Moss, S087478 (#00-79), which concerns whether a peace officer who searches a probationer subject to a search condition violates the Fourth Amendment rights of that individual if the officer is ignorant of the condition.

#01-101 Young v. Raley's, Inc., S098428. (C033172; 89 Cal.App.4th 476.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in Golden Gateway Center v. Golden Gateway Tenants Assn., S081900 (#99-184), which concerns (1) whether the tenants association of a large residential complex has the right, under the California Constitution, to distribute its newsletter and other leaflets concerning residence in the complex to tenants in the building and, if so, (2) whether a complete prohibition on the distribution of tenants association materials to building residents constitutes an unreasonable time, place, and manner restriction on free speech.

## **DISPOSITIONS**

The following cases were transferred to the Court of Appeal for reconsideration in light of McCall v. Pacificare of Cal., Inc., 25 Cal.4th 412:

#00-26 Levy v. PacificCare of California, S085550.

#00-109 Reed v. PacificCare of California, S089701.

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